

REMARKS

In response to the Restriction Requirement, the applicant elects Group I, claims 1-26 and 33, with traverse. The present application is the national stage of a Patent Cooperation Treaty (PCT) Application and the provisions of Rule 13.1 of the PCT, restriction may not be required if there is a technical relationship between the claims.

Under the ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT, page AI-59, paragraph (e) (ii) of Annex B to APPENDIX T of the MPEP, a technical relation exists between a product and a process of using the product. Once it is established that the process uses the claimed product, division should not be required under the provisions of PCT Rule 13.2. The fact that the search is not coextensive for the process and product is not a basis for requiring restriction under PCT Rule 13.2.

The Shah patent discloses a sustained release tablet having a minimum of exposed surface upon breaking as it is concerned with having a reduced exposed surface area at the breaking point when the tablet is broken. The present invention is concerned with providing compositionally identical segments when broken. For these reasons, it is requested that the restriction requirement be withdrawn.

Respectfully submitted,


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